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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,533	01/12/2006	Johannis Friso Rendert Blacquiere	NL 030903	1839

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,533	<b>Applicant(s)</b> BLACQUIERE ET AL.	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed June 17, 2009 have been fully considered but they are not persuasive.

Applicant argues on page 14-15 regarding claim 1, 7, 5 and 11 of the remark; specifically regarding " (a) regardless of defect management rules, (b) ...monitoring and speed requirements.....".

In response the examiner respectfully disagrees. Takahashi discloses in paragraph 11 ....it is determined on the basis of the defect management information, not management rules. Regarding speed monitoring, paragraph 0100 discloses a broadest interpretation of the claim; in addition see paragraph 42-46, 114-117.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US 2002/0136537).

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**Regarding Claim 1:** Takahashi et al. discloses a recording apparatus for recording digital audio/video signals on a removable rewritable disc like recording medium, the medium comprising a user area comprising user data represented by the digital audio/video signals, a table area comprising a defect table, the defect table comprising a list of addresses of defect areas in the user area and corresponding replacement areas on the medium, the defect areas identified as defective according to predefined defect management rules (**paragraph 0009**), the recording apparatus comprising input means for receiving the digital audio/video signals (**paragraph 0097**); recording means for recording the digital audio/video signals on the medium (**paragraph 0014**); reading means for reading digital audio/video signals recorded on the medium (**paragraph 0011**); output means for outputting the digital audio/video signals read (**paragraph 0011**); and control means for controlling recording the digital audio/video signals, wherein the control means are adapted to search the defect table for a replacement area address of a replacement area comprising the user data, to search the defect table for a defect area address of a defect area corresponding to the replacement area, to localize the replacement area according to the replacement area address, to localize the corresponding defect area according to the defect area address, to read the user data from the replacement area and to re-record the user data read in the defect area regardless of the defect management rules (**paragraph 0011**).

**Regarding Claim 2:** Takahashi et al. discloses a recording apparatus as claimed in claim 1, wherein the control means are adapted to collect re-recording information related to re-recording of the user data read in the defect area, and to include the re-

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recording information in the defect table and to record the defect table in the table area **(paragraph 0012)**.

**Regarding Claim 3:** Takahashi et al. discloses a recording apparatus as claimed in claim 2, wherein the control means are adapted to read user data re-recorded in the defect area, to compare the user data read from the defect area with the user data read from the corresponding replacement area and to include results of comparing in the re-recording information **(paragraph 0012)**.

**Regarding Claim 4:** Takahashi et al. discloses a recording apparatus as claimed in claim 2, wherein the control means are adapted to use status bits in the defect table to include the re-recording information in the defect table **(paragraph 0012)**.

**Regarding Claim 5:** Takahashi et al. discloses a reading apparatus for reading digital audio/video signals from a removable rewritable disc like recording medium, the medium comprising a user area comprising user data represented by the digital audio/video signals, a table comprising a defect table, the defect table comprising a list of addresses of defect areas in the user area and corresponding replacement areas on the medium, the reading apparatus comprising reading means for reading digital audio/video signals recorded on the medium; output means for outputting the digital audio/video signals read **(paragraph 0009)**; control means for controlling reading the digital audio/video signals, wherein the control means are adapted to monitor a speed of outputting the digital audio/video signals read **(paragraph 0100)**, to read the defect table from the medium, to search the defect table for a replacement area address of a

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replacement area comprising the user data, to search the defect table for a defect area address of a defect area corresponding to the replacement area and to read the user data either from the replacement area or from the defect area corresponding to the replacement area in dependence on monitoring and speed requirements for the speed of outputting the digital audio/video signals read (**paragraph 0012 and 0100**).

**Regarding Claim 6:** Takahashi et al. discloses a reading apparatus as claimed in claim 5, the defect table comprising re-recording information related to the user data in the defect area and the replacement area, wherein the control means are adapted to read the user data either from the replacement area or from the defect area in dependence on the re-recording information (**paragraph 0012**).

**Regarding Claim 7-10:** Claim 7-10 are rejected for the same subject matter as claims 2-4 respectively as discussed above.

**Regarding Claim 11-12:** Claim 11-12 are rejected for the same subject matter as claims 5-6 respectively as discussed above.

**Regarding Claim 13:** Claim 13 rejected for the same subject matter as claim 1 and 7 discussed above.

**Regarding Claim 14:** Claim 14 rejected for the same subject matter as claim 7 discussed above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621